

1 counsel shall arrange for Plaintiff's participation. Prior to the conference, defense
2 counsel shall contact the undersigned's courtroom deputy at
3 wkusamura@caed.uscourts.gov for the Zoom videoconference connection
4 information. The Court will issue a writ of *habeas corpus ad testificandum* to allow
5 for Plaintiff's participation, as appropriate.

- 6 3. Each party or a representative with full authority to negotiate and enter into a binding
7 settlement agreement shall participate in the conference. The failure of any counsel,
8 party, or authorized person subject to this order to participate in the conference may
9 result in the imposition of sanctions.
- 10 4. Consideration of settlement is a serious matter that requires thorough preparation prior
11 to the settlement conference. Participants in the conference must be prepared to
12 discuss the claims, defenses, and damages.
- 13 5. The parties shall engage in informal settlement negotiations as follows:

14 No later than **April 14, 2022**, Plaintiff shall submit to Defendants, by mail, a written
15 itemization of damages and a meaningful settlement demand, including a brief
16 explanation of why such settlement is appropriate, which shall not exceed 5 pages.

17 No later than **April 28, 2022**, Defendants shall respond, by mail or telephone, with an
18 acceptance of Plaintiff's offer or a meaningful counteroffer, including a brief
19 explanation of why such settlement is appropriate.

20 If settlement is achieved, the parties shall file a Notice of Settlement as required by
21 Local Rule 160.

- 23 6. If settlement is not achieved informally, the parties shall submit confidential
24 settlement conference statements no later than **May 12, 2022**. Defendants shall email
25 their statement to skoorders@caed.uscourts.gov. Plaintiff shall mail his statement,
26 clearly captioned "Confidential Settlement Conference Statement," to United States
27 District Court, Attn: Magistrate Judge Sheila K. Oberto, 2500 Tulare Street, Room
28 1501, Fresno, CA 93721.

Once the parties have submitted their statements, they shall file a “Notice of Submission of Confidential Settlement Conference Statement” with the court. The confidential settlement conference statements themselves **should not be filed** with the court **nor served** on the opposing party.

7. The confidential settlement conference statements should be no longer than 5 pages in length and include:
 - a. A brief summary of the facts of the case;
 - b. A brief summary of the claims and defenses of the case, i.e., the statutory, constitutional, or other grounds upon which the claims are founded;
 - c. A forthright discussion of the strengths and weaknesses of the case and an evaluation of the likelihood of prevailing on the claims or defenses, from the party’s perspective, and a description of the major issues in dispute;
 - d. An estimate of the party’s expected costs and time to be expended for further discovery, pretrial matters, and trial;
 - e. A summary of past settlement discussions, including the informal settlement negotiations required above; a statement of the party’s current position on settlement, including the amount the party would offer and accept to settle (in specific dollar amounts); and a statement of the party’s expectations for settlement discussions;
 - f. A list of the individuals who will be attending the conference on the party’s behalf, including names and, if appropriate, titles; and,
 - g. If a party intends to discuss the settlement of any other actions or claims not raised in this suit, a brief description of each action or claim, including case number(s), as applicable.

IT IS SO ORDERED.

Dated: December 7, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE